

REMARKS

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in view of the remarks contained herein. Applicant has amended claim 1. Claims 1-25 are pending in this application.

Rejection under 35 U.S.C. § 102 (Monday)

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,480,860 to Monday et al., (hereinafter Monday).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1, as amended, requires defining structure for data related to each of said at least one host systems... and maintaining said data related to each of said at least one host systems at said storage management system. At least these limitations are not shown in Monday. Monday describes an apparatus and method defining a markup language for accessing data in a database where document type definitions define grammar for accessing data in the database using the markup language. See, Abstract. While Monday uses a structured markup language such as XML, it is used for defining attributes in unstructured data, such as text documents, thereby allowing those documents to be searched. Column 5, lines 3-45. Monday does not describe defining structure for data related to each host system, and maintaining the data related to each host system at the storage management system. For at least these reasons, Applicant respectfully requests the rejection of claim 1 under §102(e) be withdrawn.

Claims 2-4 each depend from claim 1 and thus inherit all of claim 1's limitations. Applicant, therefore, respectfully asserts that claims 2-4 are allowable, for at least the reasons set forth, over the 35 U.S.C. §102(e) rejection.

Rejection under 35 U.S.C. § 102 (Humbleman)

Claims 1-4, 7, 8, and 11-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,971 to Humbleman et al., (hereinafter Humbleman).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1, as amended, requires defining structure for data related to each of the at least one host systems to be transported from the at least one host system to the storage management system..., transporting the defined data from the at least one host system to the storage management system...and maintaining the data related to each of the at least one host systems at the storage management system. Humbleman does not show at least these limitations.

Humbleman describes a home networking system having a plurality of clients/controllers and servers/controlled devices connected via a network. See, Figure 3 and Column 5, lines 37-55. Each of the devices is able to communicate its attributes as abilities to those other devices that need that information to be able to utilize the features of that device. The devices of Humbleman use a common network structure to allow multiple controllers to control devices related to that controller. See Figure 3. Humbleman does not disclose data related to each of at least one host systems, transporting the defined data from

the at least one host system to the storage management system, and maintaining the data related to each of the at least one host systems at the storage management system.

As Humpleman does not at least these limitations, all of the limitations of claim 1 are clearly not taught or even suggested by Humpleman, Applicant respectfully requests the rejection of claim 1 under §102(e) be withdrawn.

Claims 2-4, 7, 8 and 11-18 each depend from claim 1 and thus inherit all of claim 1's limitations. Applicant, therefore, respectfully asserts that claims 2-4, 7, 8 and 11-18 are allowable, for at least the reasons set forth, over the 35. U.S.C. §102(e) rejection.

Rejection under 35 U.S.C. § 103

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of U.S. Patent No. 6,487,607 to Wollrath et al. et al. (hereinafter, "Wollrath"). Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Monday.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first or second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

Claims 5 and 6 each require, through their dependencies from claim 1, defining structure for data related to each of the at least one host systems to be transported from the at least one host system to the storage management system..., transporting the defined data from the at least one host system to the storage management system...and maintaining the data related to each of the at least one host systems at the storage management system. For the reasons set forth with respect to claim 1, Humpleman does not describe these limitations, and Wollrath is not relied upon by the Examiner as teaching these limitations. Applicant,

therefore, respectfully asserts that claims 5 and 6 are allowable, for at least the reasons set forth, over the 35. U.S.C. §103 rejection.

Claims 9 and 10 each require, through their dependencies from claim 1, defining structure for data related to each of the at least one host systems to be transported from the at least one host system to the storage management system..., transporting the defined data from the at least one host system to the storage management system...and maintaining the data related to each of the at least one host systems at the storage management system. For the reasons set forth with respect to claim 1, Humpleman does not describe these limitations, and Monday is not relied upon by the Examiner as teaching these limitations. Applicant, therefore, respectfully asserts that claims 9 and 10 are allowable, for at least the reasons set forth, over the 35. U.S.C. §103 rejection.

Claims 19-25

As the Examiner has not specifically addressed pending claims 19-25 in the present office action, Applicant assumes that claims 19-25 are allowable over the prior art. Applicant would, therefore, respectfully request that the Examiner provide a formal indication of the allowability of claims 19-25.

Conclusion

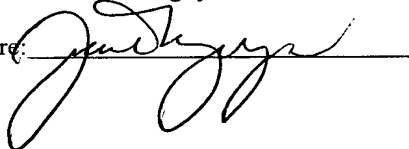
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10004551-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482745826 in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: February 22, 2005

Typed Name: June Nguyen

Signature: 

Respectfully submitted,

By: 

Michael A. Papalas

Attorney/Agent for Applicant(s)

Reg. No. 40,381

Date: February 22, 2005

Telephone No. (214) 855-8186